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1661

Attorney's Docket No. 2475-010578

AMENDMENT TRANSMITTAL LETTER

RECEIVED

Commissioner for Patents
Washington, D.C. 20231

SEP 06 2002

Serial No.: 10/007,711

Filing Date: November 13, 2001

Examiner: Kent L. Bell

Group Art Unit: 1661

Invention: Begonia Plant Named 'Kristy Franje'

TECH CENTER 1600/2

Transmitted herewith is an Amendment in the above-identified application.

- ☐ Small Entity Status is/has been asserted for this application under 37 CFR 1.27.
☐ A verified statement to establish small entity status under 37 CFR 1.27 is enclosed.
☒ No additional fee is required.
☒ The fee has been calculated as shown below:

| No of Claims After Amendment | Highest No. Previously Paid For | Present Extra | Small Entity Rate | Non-Small Entity Rate | Charge |
|--|---------------------------------------|------------------|-------------------------|-----------------------------|--------|
| Total 1 | 20 | 0 | x \$ 9.00 | x \$ 18.00 | \$ N/A |
| Indep. 1 | 3 | 0 | x \$ 42.00 | x \$ 84.00 | \$ N/A |
| First Presentation of Multiple Dependent Claim/s | | | + \$140.00 | + \$280.00 | \$ N/A |
| TOTAL ADDITIONAL FEE | | | | | \$ N/A |

- ☐ A check in the amount of \$ _____ is enclosed to cover the filing fee.
☐ A check in the amount of \$ _____ is enclosed for a _____ month Petition for Extension of Time.
☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this sheet are enclosed.
☒ Any additional filing fees required under 37 CFR 1.16.
☒ Any patent application processing fees under 37 CFR 1.17.

August 30, 2002
Date

By

Russell D. Orkin
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on August 30, 2002.

Pamela A. Assad
(Typed name of person depositing mail)
08/30/02
Signature Date



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#4
9/12/02

Plant Patent Application
Serial No. 10/007,711
Confirmation No.: 6307
Attorney Docket No.: 2475-010578

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1661 :
In re Application of :
JAN MAN : BEGONIA PLANT NAMED
Serial No. 10/007,711 : 'KRISTY FRANJE'
Filed November 13, 2001 :
Examiner – Kent L. Bell : Pittsburgh, Pennsylvania
August 30, 2002

SUPPLEMENTAL RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

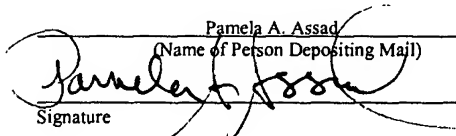
In further response to the Office Action dated May 3, 2002, Applicant submits the accompanying Declaration and Power of Attorney and additional documents.

SUPPLEMENTAL RESPONSE UNDER 37 C.F.R. 1.135

Copies of the following documents relating to The Netherlands Certificate of Registration No. BGN 0251 are submitted herewith:

- 1) Nederlands Rassenregister Volgnr. Inschrijving 18964 (1p.);
- 2) UPOV – Variety description for BGN 251 (3 pp.); and
- 3) Raad Voor Het Kwekersrecht for BGN 251 (3 pp.).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on August 30, 2002.

Pamela A. Assad
(Name of Person Depositing Mail)

Signature Date 08/30/02

{W0015151.1}

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REMARKS

A new Declaration and Power of Attorney is submitted herewith which states that the new variety was discovered in a cultivated area. The response to the Requirement For Information Under 37 CFR 1.105 is completed with the enclosed documents relating to The Netherlands Certificate of Registration No. BGN 0251.

Having complied with all the requirements in the Office Action of May 3, 2002, favorable consideration of the claim is requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By 
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E-mail: webblaw@webblaw.com

NEDERLANDS RASSENREGISTER
- Register van inschrijving

VOLGNR. INSCHRIJVING: 18964

betreft aanvraag d.d. : 21/04/1998 volgnr.: BGN 251
soort aanvraag : artikel 18.1a, ZPW
gewas : begonia
voorlopige aanduiding : Kristy Franje
rasbenaming : Kristy Franje
datum inschrijving : 22/12/1999

GEMACHTIGDE BIJ INSCHRIJVING:

Begonia Breeders Association B.V., p/a Middenweg 4, 2161 LR LISSE

RECHTHEBBENDE(N) BIJ INSCHRIJVING:

Begonia Breeders Association B.V., Machineweg 206, 1432 EV AALSMEER

Vastgestelde beschrijving : zie bijgevoegd beschrijvingsblad

MUTATIES

Op 22/02/01 is in het Nederlands rassenregister aangetekend dat de machtiging is overgegaan op:
Mr. T. van den Bout, Postbus 50, 2270 AB VOORBURG

AR66IR



05 AUG. 2002

Continued on
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UPOV-Sortenbeschreibung
UPOV-Variety description

1. **Referenznummer der berichtenden Behörde:** BGE 461
Reference number of reporting authority:
 2. **Referenznummer der beantragenden Behörde:** BGN 251
Reference number of requesting authority:
 3. **Referenz des Züchters:** Kristy Franje
Breeder's reference:
 4. **Antragsteller/in (Name und Adresse):** Begonia Breeders
Applicant (name and address): Association B.V.
Machineweg 206
1432 EV Aalsmeer
Niederlande
-
5. **Botanische Bezeichnung des Taxons:** Begonia x hiemalis Fotsch
Botanical name of taxon:
 6. **Landesübliche Bezeichnung des Taxons:** Elatior-Begonie
Common name of taxon:
 7. **Sortenbezeichnung:** -
Variety denomination:
 8. **Datum und Dokumentennummer der UPOV-Prüfungsrichtlinie:** 1986-11-21 TG/18/4
Date and document number of UPOV Test Guidelines:
 9. **Datum und/oder Dokumentennummer der nationalen Prüfungsrichtlinie:**
Date and/or document number of national Test Guidelines:
 10. **Prüfende Behörde:** Bundessortenamt
Testing authority:
 11. **Prüfungsstation(en) und -ort(e):** Prüfstelle Hannover
Testing station(s) and place(s):
 12. **Prüfungsperiode:** 1999
Period of testing:
 13. **Ausstellungsdatum und -ort des Dokuments:** 16.08.1999 - Hannover
Date and place of issue of document:



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Continued on page 2
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14. Gruppe: (wenn Merkmale der Nummer 15 für die Gruppierung verwendet werden, sind sie in der Nummer mit einem G gekennzeichnet)
 Group: (if characteristics of number 15 are used for grouping they are marked with a G in that number)
15. In den UPOV-Prüfungsrichtlinien oder den nationalen Prüfungsrichtlinien aufgeführte Merkmale:
 Characteristics included in the UPOV Test Guidelines or national Test Guidelines:

| UPOV Nr. No. | Merkmale Characteristics | Ausprägungsstufen State of Expression | Note | Bemerkungen Remarks |
|-----------------|--|---|------|------------------------|
| 1 | Pflanze: Höhe der Laubzone Plant: height of foliage | niedrig bis mittel short to medium | 4 | |
| 2 | Pflanze: Breite (einschließlich Blüten) Plant: width (including flowers) | mittel medium | 5 | |
| 3 | Pflanze: Anzahl Grundtriebe Plant: number of basal shoots | gering few | 3 | |
| 4 | Pflanze: Anzahl Verzweigungen der Grundtriebe Plant: number of branches on basal shoots | groß many | 7 | |
| 5 | Trieb: Dicke des Internodiums unterhalb des ersten Blütenstandes Stem: thickness of internode below first inflorescence | mittel bis dick medium to thick | 6 | |
| 6 | Blattspreite: Länge der Mittelrippe Leaf blade: length of midrib | kurz bis mittel short to medium | 4 | |
| 7 | Blattspreite : Breite Leaf blade: width | mittel medium | 5 | |
| 8 | Blattspreite: Farbe der Oberseite Leaf blade: color of upper side | dunkelgrün dark green | 3 | |
| 9 | Blattspreite: Farbe der Unterseite Leaf blade: color of lower side | rötlichgrün reddish green | 4 | |
| 10 | Blattspreite: Glanz der Unterseite Leaf blade: glossiness of lower side | stark strong | 7 | |
| 11 | Blattspreite: Basis Leaf blade: base | geschlossen bis gering überlappend closed to slightly overlapping | 6 | |
| 12 | Blattspreite: Form der Spitze Leaf blade: shape of apex | spitz acute | 1 | |
| 13 | Blattspreite: Breite der Spitze Leaf blade: width of apex | mittel medium | 5 | |
| 14 | Blattspreite: Art der Randeinschnitte Leaf blade: type of incisions of margin | doppelt gesägt bi-serrate | 2 | |
| 15 | Blattspreite: Tiefe der Randeinschnitte Leaf blade: depth of incisions of margin | sehr flach bis flach very shallow to shallow | 2 | |
| 16 | Blattspreite: Randwellung Leaf blade: undulation of margin | gering weak | 3 | |
| 17 | Blütenstand: Dichte Inflorescence: density | dicht dense | 7 | |
| 18 | Hochblatt: Größe Bract: size | sehr klein bis klein very small to small | 2 | |
| 19 | Hochblatt: Farbe Bract: color | grün green | 1 | |
| 20 | Hochblatt: Spitze Bract: apex | spitz acute | 1 | |
| 21 | Blüte: Durchmesser Flower: diameter | klein small | 3 | |
| G 22 | Blüte: Typ Flower: type | gefüllt double | 1 | |
| 23 | Blüte: Anzahl Blütenblätter Flower: number of petals | mittel medium | 1 | |
| 24 | Blüte: Änderung der Blütenblattgröße Flower: change in petal size | gleichmäßig gradual | 1 | |



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| UPOV Nr. No. | Merkmal Characteristics | Ausprägungsstufen State of Expression | N te | Bemerkungen Remarks |
|-----------------|---|--|----------|-----------------------------------|
| 25 | Äußeres Blütenblatt: Farbe des Randes der Oberseite Outer petal: color of margin of upper side | orangerosa orange-pink | RHS 029D | |
| 26 | Äußeres Blütenblatt: Farbe der Mitte der Oberseite Outer petal: color of middle of upper side | hellrotrosa light red-pink | RHS 049C | |
| 27 | Äußeres Blütenblatt: Farbe der Mitte der Unterseite Outer petal: color of middle of lower side | hellrotrosa light red-pink | RHS 036D | grünlich greenish |
| 28 | Inneres Blütenblatt: Farbe des Randes der Oberseite Inner petal: color of margin of upper side | hellrotrosa light red-pink | RHS 049C | |
| G 29 | Inneres Blütenblatt: Farbe der Mitte der Oberseite Inner petal: color of middle of upper side | rotrosa red-pink | RHS 048D | |
| 30 | Inneres Blütenblatt: Farbe der Mitte der Unterseite Inner petal: color of middle of lower side | hellrotrosa light red-pink | RHS 049C | |
| 31 | Blüte: Einschnitte des Blütenblattes Flower: incisions of petal | vorhanden present | 9 | |
| 32 | Blüte: Wellung des Blütenblattes Flower: undulation of petal | fehlend absent | 1 | |
| 33 | Blüte: Antherenfarbe bei Blühbeginn Flower: color of anthers at beginning of flowering | - | - | nicht anwendbar not applicable |
| 34 | Blüte: Antherenfarbe bei Abblüte Flower: color of anthers at the end of flowering | - | - | nicht anwendbar not applicable |
| 35 | Zeitpunkt des Blühbeginns nach Kurztagbehandlung Time of beginning of flowering after shortday treatment | früh bis mittel early to medium | 4 | |
| 36 | Zeitpunkt des Blühbeginns im natürlichen Langtag Time of beginning of flowering under natural long days | mittel medium | 5 | |

16. Ähnliche Sorten und Unterschiede zu diesen Sorten: -
Similar varieties and differences in relation to those varieties:

17. Zusätzliche Informationen:
Additional information:

a) Zusätzliche Daten:
Additional data:

b) Bemerkungen:
Remarks:

Das Merkmal 23 ist nur anwendbar bei Sorten mit gefüllten Blüten. Die Merkmale 33 und 34 sind nur anwendbar bei Sorten mit einfachen Blüten mit sichtbaren Antheren.

Characteristic 23 is applicable to varieties with double flowers only. Characteristics 33 and 34 are applicable to varieties with single flowers and visible anthers.

RHS: Royal Horticultural Society Colour Chart, 1986

Im Auftrag
By order


Dr. Menne

Wageningen.



RAAD VOOR HET KWEKERSRECHT

adres: Nudestraat 15 Wageningen

correspondentieadres: Postbus 104, 6700 AC WAGENINGEN

telefoon: 0317 419031 telefax: 0317 425867

postgiro: 198113 rabobank: 3970.01.258

UITSLUITEND VOOR DE RAAD

aanvraagnr. :

BGN 251

form.ontv. :

20 APR. 1998 *0900

betaling ontv.:

21 APR. 1998 *2400

tijdstip aanvr.:

21 APR. 1998 *2400

AANVRAAG TOT VERLENING VAN KWEKERSRECHT (2 exemplaren inzenden)

1. AANVRAGER(S) (naam, adres met postcode, tel.nr, faxnr.):

Begonia Breeders Association B.V.
Postbus 88
1430 AB Aalsmeer
Dhr. W. v.d. Merbel (secretaris)
Telnr. 0297-327274
Faxnr. 0297-340119
Nationaliteit: NL

2. CORRESPONDENTIEADRES (indien ander dan onder 1)

Begonia Breeders Association B.V.
p/a Middenweg 4
2181 LR Lisse Dhr. R.P. Man
Tel: 0252-218015
Fax: 0252-218073
dit is het adres:
☐ van één van de aanvragers
☒ van de gemachtigde (volmachtformulier bijgevoegd)
☐ voor dienstcorrespondentie

3. GEWAS (Latijnse en Nederlandse benaming):

Begonia Elatior

4. VOORLOPIGE AANDUIDING:

RASBENAMING : Kristy Franje
(form.AR55X2 meezenden)

5.a KWEKER(S) is (zijn) (indien ander dan onder 1):

Het ras is naar de aanvrager(s) overgegaan:

- ☐ door overeenkomst tot eigendomsverdracht (copie bijgesloten)
☐ door successie (copie akte bijgesloten)
☐ op andere wijze (te specificeren als volgt)

b. Het ras is gekweekt in land(en): NEDERLAND

| 6. Eerdere aanvragen voor dit ras in het buitenland | land en datum | aanvraagnummer | stadium |
|---|---------------|----------------|---------|
| voor kwekersrecht | | | |
| voor de officiële rassenlijst | | | |

Handtekening of voorlopige aanduiding
C. B. Vigelandzoon
05 AUG. 2002
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7. Er wordt aanspraak gemaakt op het recht van voorrang (art.34 Zaaizaad- en Plantgoedwet) op grond van de aanvraag ingediend in (UPOV-LAND):

onder aanvraagnr.:

op (datum):

Indien op basis hiervan uitstel onderzoek gewenst is dit hier aangeven: ☐ ja

8. a. Het ras is in Nederland

- ☒ niet te koop aangeboden of verhandeld
☐ voor de eerste keer te koop aangeboden of verhandeld
op datum :
onder de benaming:

b. Het ras is in het buitenland

- ☒ niet te koop aangeboden of verhandeld
☐ voor de eerste keer te koop aangeboden of verhandeld
op datum :
onder de benaming:

9. Hierbij wordt machtiging gegeven aan de Raad voor het Kwekersrecht om met elke bevoegde instantie in een ander UPOV-land alle nodige inlichtingen uit te wisselen, die betrekking hebben op het ras, mits de rechten van de aanvrager gewaarborgd zijn.

10. Bijgevoegde formulieren en stukken

- ☒ technische vragenlijst ☒ naamsvoorstelformulier AR55X2 ☐ gewaarm.afschriften ☐ andere stukken
☒ volmachtformulier ☐ (copie) akte eigendomsoverdracht ☒ foto's

Ik verzoek hierbij kwekersrecht te verlenen. Ik verklaar hierbij, dat voor zover mij bekend, de inlichtingen die nodig zijn voor het onderzoek van de aanvraag en die op dit formulier en in de bijlagen zijn gegeven, volledig zijn en naar waarheid zijn ingevuld.

Plaats/datum: Lisse, 14-4-1998

Handtekening(en) aanvrager(s) of gemachtigde: R.P. Man

RAAD VOOR HET KWEKERSRECHT

To be returned in duplicate

Not to be filled in

Reference nr: BGN 251

TECHNICAL QUESTIONNAIRE
to be completed in connection with
an application for plantbreeder's rights

Application date:
21 APR. 1998 *2400
290787

1. Species Begonia Elatior hybrids (syn.: Begonia x hiemalis Fotsch.)
ELATIOR BEGONIA (DE)

2. Applicant(s) (name, address, telephone, telex)
BEGONIA BREEDERS ASSOCIATION B.V. TEL.: 0252-219015
P/A MIDDENWEG 4 FAX: 0252 218090
2161 LR LISSE HOLLAND

3. Breeder's reference
KRISTY FRANJE

4. Information on origin, maintenance and reproduction of the variety

4.1 Origin

- i) Seedling (indicate parent varieties) ()
ii) Mutation (indicate parent variety) from Netja Franje (X)
iii) Discovery (indicate where and when) ()

4.2 Other information

5. Characteristics of the variety to be given (the number in brackets refers to the corresponding characteristic in the UPOV test guideline TG/18/4; please mark the state of expression which best corresponds; in the case where for one characteristic two possibilities are presented, please complete the first possibility (i) if data are available; otherwise complete the second (ii))

| Characteristics | Example Varieties | Note |
|---|---|-----------------------|
| 5.1 Leaf blade: color of upper side (8) | light green medium green dark green reddish green reddish brown | |
| | Aphrodite, Baluga Connie, Obiant | 3 |
| | Hokaido, Krefeld | 5 |
| 5.2 Leaf blade: color of lower side (9) | light green medium green dark green reddish green reddish brown | |
| | Schwabenland Stromboli Kolita Krefeld Obina | 1 2 3 4 5 |



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Characteristics

Example Varieties Note

5.3 Flower: type
(22)

single
double

1
②

5.4 (i) Inner petal: color of
(29) middle of upper side

RHS Colour Chart (indicate reference number)
048D

5.4 (ii) Inner petal: color of
middle of upper side

white
yellow
orange pink
orange
red
~~blue~~ pink
blue red

1
2
3
4
5
⑥
7

6. Similar varieties and differences from these varieties

Variety
Netja Franje
LOUISE

Difference
Flower coulour
flower shape (= fringed)

7. Additional information which may help to distinguish the variety

7.1 Resistance to pests and diseases
high tolerance to mildew

7.2 Special conditions for the examination of the variety

7.3 Other information

Date, 14-4-98

Signature, R.P. Man



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